

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

17 CV 1485

SAMPATH K. KATTEPOGU

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SDNY DOCKET UNIT
U.S. DISTRICT COURT SDNY

(In the space above enter the full name(s) of the plaintiff(s).)

2017 FEB 23 AM 10:49

-against-

**COMPLAINT
FOR EMPLOYMENT
DISCRIMINATION**

Time Inc

Jury Trial: ☒ Yes ☐ No
(check one)

(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the space
provided, please write "see attached" in the space above and
attach an additional sheet of paper with the full list of names.
Typically, the company or organization named in your charge
to the Equal Employment Opportunity Commission should be
named as a defendant. Addresses should not be included here.)

This action is brought for discrimination in employment pursuant to: (check only those that apply)

_____ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

_____ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634.

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.

✓ _____ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117.

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

✓ _____ New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

_____ New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to 131 (actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status).

RECEIVED

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name SAMPATH KD KATTEROLU
 Street Address 1409 Roper Mountain Road Apt 548
 County, City Greenville
 State & Zip Code South Carolina 29615
 Telephone Number 408-999-9911-5929

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant Name Time Inc
 Street Address 225 Liberty Street
 County, City New York
 State & Zip Code New York 10286
 Telephone Number 212-522-1212

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer Time Inc
 Street Address 241 37th Street
 County, City Brooklyn, NY
 State & Zip Code New York 11232
 Telephone Number _____

II. Statement of Claim:

State as briefly as possible the facts of your case, including relevant dates and events. Describe how you were discriminated against. If you are pursuing claims under other federal or state statutes, you should include facts to support those claims. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. The discriminatory conduct of which I complain in this action includes: *(check only those that apply)*

_____ Failure to hire me.
☒ Termination of my employment.
 _____ Failure to promote me.
☒ Failure to accommodate my disability.
 _____ Unequal terms and conditions of my employment.

- ☒ Retaliation.
- ☒ Other acts (specify): Harassment

Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

B. It is my best recollection that the alleged discriminatory acts occurred on: 11/11/2015 and many more
Date(s)

C. I believe that defendant(s) (check one):

☐ is still committing these acts against me.

☒ is not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and explain):

☐ race ☐ color

☐ gender/sex ☐ religion

☐ national origin

☐ age. My date of birth is _____ (Give your date of birth only if you are asserting a claim of age discrimination.)

☒ disability or perceived disability, _____ (specify)

E. The facts of my case are as follow (attach additional sheets as necessary):

1) Retaliation & Harassment email - Document 1 attached
2) Forcing me not take sick days - Document 2 Attached
3) Forcing me to resign - Document 3 Attached
4) Insulted me by shouting in front of many other supervisor employees Doc 4 Attached
And many more

Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights or the New York City Commission on Human Rights.

III. Exhaustion of Federal Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding defendant's alleged discriminatory conduct on: 8/8/2016 (Date).

B. The Equal Employment Opportunity Commission (*check one*):

☒ has not issued a Notice of Right to Sue letter.
☐ issued a Notice of Right to Sue letter, which I received on 11/28/2016 (Date).

Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

C. Only litigants alleging age discrimination must answer this Question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (*check one*):

☐ 60 days or more have elapsed.
☐ less than 60 days have elapsed.

IV. Relief:

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs, as follows: \$1.5 million

(Describe relief sought, including amount of damages, if any, and the basis for such relief.)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 22 day of February, 2017

Signature of Plaintiff

Address

Telephone Number

Fax Number (if you have one)

(C. Sampati V)
1409 Roper Mountain Road
Greenville SC 29615

APT 548

408-991-5929



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

New York District Office

33 Whitehall Street, 5th Floor
New York, NY 10004-2112
For General Information: (800) 669-4000
TTY: (800)-669-6820
District Office: (212) 336-3620
General FAX: (212) 336-3625

Samapth Kattepogu
1409 Roper Mountain Rd., apt # 548
Greenville, SC 29615

Re: EEOC Charge No. 520-2016-03354
Samapth Kattepogu v. Time, Inc.

Dear Mr. Kattepogu:


The Equal Employment Opportunity Commission (hereinafter referred to as the "Commission") has reviewed the above-referenced charge according to our charge prioritization procedures. These procedures, which are based on a reallocation of the Commission's staff resources, apply to all open charges in our inventory and call for us to focus our limited resources on those cases that are most likely to result in findings of violations of the laws we enforce.

In accordance with these procedures, we have examined your charge based upon the information and evidence submitted. You allege you were discriminated against because of your Disability and Respondent (Time, Inc.) failed to engage in the interactive process and allow you an accommodation for your disability. You further allege that you were constructively discharged (forced out) resulting in an unlawful discharge on July 29, 2016.

The Commission is unable to conclude that the information obtained establishes a violation of Federal law on the part of Respondent. This does not certify that Respondent is in compliance with the statutes. No finding is made as to any other issue that might be construed as having been raised by this charge.

The Commission's processing of this charge has been concluded. Included with this letter is your Notice of Dismissal and Right to Sue. Following this dismissal, you may only pursue this matter by filing suit against the Respondent named in the charge within 90 days of receipt of said notice. Otherwise, your right to sue will be lost.

Sincerely,

 for
Kevin J. Berry
District Director

NOV 23 2016

Date

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Sampath Kattepogu
1409 Roper Mountain Rd., Apt. #548
Greenville, SC 29615

From: New York District Office
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2016-03354

Roxanne Zygmund,
Investigator

(212) 336-3764

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

Enclosures(s)

On behalf of the Commission

Kevin J. Berry
Kevin J. Berry
District Director

NOV 23 2016

(Date Mailed)

cc: Lisa M. Griffith, Esq.
Littler Mendelson, P.C.
290 Broadhollow Road
Melville, NY 11747

Michelle Goldstein, VP
Deputy General Counsel
Time, Inc.
225 Liberty Street
New York, NY 10281

Doc 1

From: Franz, John - Technology & Product Engineering <john_franz@timeinc.com>
Sent: Wednesday, November 11, 2015 10:02 AM
To: Kattepogu, Sam - Technology & Product Engineering <Sam.Kattepogu@timeinc.com>
Cc: Ramadan, Ben - Technology & Product Engineering <ben_ramadan@timeinc.com>
Subject: Re: Terri Lukin Medical Director

Clearly there are issues here that it would have been better to discuss in person. I only wish you would have sat down and discussed these issues with me just once, particularly before escalating as you have.

Since you have chosen to escalate this to Ben, I'm sure you must understand that I now need to present my findings. Findings that, until now, I have not escalated in an effort to be an understanding and sympathetic manager.

I find your views very troubling for the following reasons:

1. You have never once discussed with me your ongoing family travel difficulties. Months ago, after many missed and late days of work, you mentioned that you completed your move to NJ. From that point forward I was under the impression that your travel issues were finished. For months since then, you have never shared with me your ongoing travel problems. For the first time in months, I brought up the travel issue yesterday because a number of people complained to me that you were repeatedly found surfing airline web sites during work hours. I noticed the same on numerous occasions. My concern was that people were complaining about your work and it was impacting the perception of our team.
2. Since you started at Time Inc. there has rarely been a week at work where you have been at work for a full week. Nearly every week has been incomplete in some fashion (due to lateness, early departure, sick days, vacation days, personal days, commute problems, etc). Nearly every week since you started. Throughout this time I've balanced being understanding and supportive to you while stepping in to manage the perception of our team while others complained that you were unavailable.
3. You have been found asleep at your desk during work hours numerous times. It has been witnessed by others and I have witnessed it myself. Once again, I was understanding despite the perception from others about the team.
4. Despite all of the above, and more, when you completed a database move from NY to NJ, I was extraordinarily supportive of your efforts and provided high praise on a number of occasions to be supportive of you. I made a concerted effort to turn this entire situation into a positive one on your behalf.

In summary, with the accommodations and understanding that you have received since you started here, I am stunned by your perception of the situation and the fact that you have provided a false impression of the situation to my manager without all of the facts and history.

Despite all of this, I continue to wish you well with your health issues and will continue to provide you the support you need. I believe that had you sat down and communicated your situation to me in the past, we would have found a mutually beneficial solution. I still encourage you to speak to me and communicate your issues and I believe that we can still do so going forward.

Best Regards,
John

Doc 1

Regards,

Ben Ramadan

Time Inc.

VP, Advertising & CRM Systems

Work: 212-522-4648

e-mail: ben_ramadan@timeinc.com

12) 00 2

Kattepogu, Sam - Technology & Product Engineering <Sam.Kattepogu@timeinc.com>

From: Lescaille, Henry - Human Resources <henry.lescaille@timeinc.com>
Sent: Friday, December 04, 2015 10:23 AM
To: Kattepogu, Sam - Technology & Product Engineering <Sam.Kattepogu@timeinc.com>
Subject: RE: Days Off Requests Details

Thank you for your note Sam.

As we discussed yesterday: any medical appointments will need to be scheduled during lunch, before work or after work. I made an executive decision and am ok with you taking today off (as a sick day) for your visit / consultation – but generally this would not qualify as a “sick day”.

From: Kattepogu, Sam - Technology & Product Engineering <Sam.Kattepogu@timeinc.com>
Sent: Thursday, December 03, 2015 6:39 PM
To: Lescaille, Henry - Human Resources <henry.lescaille@timeinc.com>
Subject: RE: Days Off Requests Details

Henry,

Thank you for taking time to talk to me. It hurts but as we discussed, we will move forward (I was the one who first said “Let’s move forward”. ☺) but it takes week or two to forget certain things that happened in the recent weeks but I promise you that I will not show any negativity externally or will not impact any of my deliverables.

I will be more transparent and open with John and I expect the same from him.

As I said, I will try to keep you and Teri for the next 6 months in the loop when requesting time off except vacations and please help me if I am doing wrong. Just yes or no or good kind of response is enough.

One thing you promise me Henry, that any of the past should not reflect in my performance evaluations, career growth here at Time Inc. or outside of Time Inc.

Thanks,
Sam

From: Kattepogu, Sam - Technology & Product Engineering <Sam.Kattepogu@timeinc.com>
Sent: Thursday, December 03, 2015 5:07 PM
To: Lescaille, Henry - Human Resources <henry.lescaille@timeinc.com>
Subject: Days Off Requests Details

Henry,

Please find the attached my Days Off Requests Details document.

Thanks,
Sampath

Sampath (Sam) Kattepogu
Manager, Database Administration | Data Architecture & Engineering | Time Inc.
Tel: +1 212.522.6724 | Mob: +1 408.991.5929
Office Address: 1271 Avenue of the Americas, 4th Floor, New York, NY 10020

Doc 3

From: Lescaille, Henry - Human Resources <henry.lescaille@timeinc.com>
Sent: Wednesday, June 29, 2016 12:50 PM
To: Kattepogu, Sam - Technology & Product Engineering <Sam.Kattepogu@timeinc.com>
Subject: RE: Good morning

Hi Sam,

I know you had requested 60 days. As I shared with you, I did not think this was likely, and the ultimate decision was that a 30 day transition was all that was needed.

I will have to check with Ben on the reporting, but my sense is that they will ONLY need your support for one week, the rest will be virtual.

I'm going to suggest you speak directly to Ben on the merits on reporting to someone else.

From: Kattepogu, Sam - Technology & Product Engineering <Sam.Kattepogu@timeinc.com>
Sent: Wednesday, June 29, 2016 12:15 PM
To: Lescaille, Henry - Human Resources <henry.lescaille@timeinc.com>
Subject: RE: Good morning

Henry,

That is not what we discussed yesterday. I don't want to be a problem for you all and want to make it easy for all of us. So, I will do what you, John and Ben wanted. As I promised, I will be more professional, sensitive and gentle until I leave.

As discussed yesterday, please confirm that I will be reporting to one of John's manager who doesn't know anything about what happened the last couple of weeks because I don't want any more emotions and conflicts between me, John and Ben.

I have an appointment on 07/05/2016 with my Endocrinologist in Boston and it takes almost ½ day because I need to complete some tests before I see the Doctor. Also, I have another appointment to see my Podiatric doctor on 07/06/2016 on 07/06/2016. Please advise.

I may be gone by the end of my notice period but the problem created by John and Ben for the company will not.

Thanks,
Sam

From: Lescaille, Henry - Human Resources <henry.lescaille@timeinc.com>
Sent: Wednesday, June 29, 2016 10:46 AM
To: Kattepogu, Sam - Technology & Product Engineering <Sam.Kattepogu@timeinc.com>
Subject: Good morning
Importance: High

Sam,

Let me first thank you for your maturity and professionalism. I very much appreciated how you handled our call yesterday and can certainly appreciate it wasn't an easy call to have.

Doc 3

Here is what we would like to do:

As you suggested, you resign today

You work one more week (in office) – week of July 4th

You work remotely for the remainder of the month – weeks of July 11th, July 18th and July 25th

Last day on payroll would be 7/29

Assuming you agree I would like to suggest you jump on a call with Ben directly to discuss transition details.

Please advise at soonest.

Thanks,

Henry

Henry Lescaille

Senior Vice President, Human Resources

Consumer Marketing + Revenue | Technology & Product Engineering | Time Customer Service |

Time Inc. Retail | Time Inc. Books

3000 University Center Drive

Tampa, FL 33612

813.979.6655 (office)

917.574.9413 (mobile)

henry@timeinc.com

www.timeinc.com/careers

[Time Inc. on Twitter](#) | [Facebook](#) | [LinkedIn](#)

Doc 4

From: Lescaille, Henry - Human Resources <henry.lescaille@timeinc.com>
Sent: Wednesday, June 15, 2016 11:17 AM
To: Kattepogu, Sam - Technology & Product Engineering <Sam.Kattepogu@timeinc.com>
Subject: RE: Annual PCI Testing - Ecomm -Internal Results - Findings

Sam,
Happy to connect.

I'm reading through this email (obviously with very little understanding of the issue). Was this resolved? Did you try to remediate the issue quickly? It seems this was a high priority issues that wasn't address as quickly.

Thanks,
Henry

From: Kattepogu, Sam - Technology & Product Engineering <Sam.Kattepogu@timeinc.com>
Sent: Wednesday, June 15, 2016 9:28 AM
To: Lescaille, Henry - Human Resources <henry.lescaille@timeinc.com>
Subject: FW: Annual PCI Testing - Ecomm -Internal Results - Findings

Henry,

I wanted to talk to you about John's recent behavior and yesterday's incident below. Please call me at your when you are free.

Thanks,
Sam

From: Kattepogu, Sam - Technology & Product Engineering <Sam.Kattepogu@timeinc.com>
Sent: Tuesday, June 14, 2016 5:28 PM
To: Franz, John - Technology & Product Engineering <john.franz@timeinc.com>
Cc: Lescaille, Henry - Human Resources <henry.lescaille@timeinc.com>
Subject: RE: Annual PCI Testing - Ecomm -Internal Results - Findings

John,

Please do not shout at me or try insult me in front of everyone. If you want to express your anger or frustration, please take me to a conference room.

Below is my concern regarding applying remediation for EC-IN-03. The same was communicated to everyone in the original email along with you.

Implementing the remediation for EC-IN-03 close to impossible because the remediation requires implementation of Oracle Wallet. We need to test, rewrite our backup scripts and test/validate the backups using rewritten scripts. It takes anywhere between 2-3 weeks to test and implement.

Attached is the email my DBA prepared after consulting Oracle Support and the same was reviewed by 5 different DBAs in DAE DBA team.

Please advise.